

HOUSE No. 1457

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and others for legislation to promote proper school nutrition. Children and Families.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Five.

AN ACT TO PROMOTE PROPER SCHOOL NUTRITION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws as appearing in the 2002 Offi-
2 cial Edition is hereby amended by adding at the end thereof, the
3 following sections:—

4 Section 90. The following words, as used in this section and in
5 section 91, inclusive, shall have the following meaning, unless the
6 context otherwise requires:—

7 “Added sweetener”, any additive that enhances the sweetness
8 of the beverage, including but not limited to added sugar, but does
9 not include the natural sugar or sugars that are contained within
10 the fruit juice that is a component of the beverage.

11 “Full meal”, any combination of food items that meet a United
12 States Department of Agriculture-approved meal pattern.

13 “Elementary school”, a public school that maintains any grade
14 from pre-kindergarten to grade 6, inclusive, but no grade higher
15 than grade 8.

16 “Middle school”, a public school that maintains any of grades 6
17 to 9, inclusive, but no grade higher than grade 9.

18 “High school”, a public school maintaining any of grades 9 to
19 12, inclusive.

20 Section 91. The following applies to any food or beverages sold
21 in Massachusetts Public schools excluding the National School
22 Lunch and Breakfast Programs.

23 (a) In elementary, middle and high schools, only the following
24 types of beverages shall be sold:

25 a. At least fifty-percent fruit juices or fruit-based drinks that
26 have no added natural or artificial sweeteners in not more than 12
27 ounce containers;

28 b. Drinking water, in any size container; and

29 c. Low fat and non-fat milk, including but not limited to low-fat
30 and non-fat chocolate milk, soy milk and/or rice milk and other
31 similar dairy or nondairy milk, in not more than 10 ounce con-
32 tainers. Soy and rice drinks must be calcium and vitamin fortified
33 and contains no more than 30 grams total sugars.

34 (b) In elementary, middle and high schools, only the following
35 types of food shall be sold:

36 a. 1-3 ounces of food per package with not more than 30 per
37 cent of its total calories per package shall be from fat or 7 grams
38 maximum per package. This requirement does not apply to the
39 sale of nuts or seeds.

40 b. 1-3 ounces of food per package with not more than 10 per
41 cent of its total calories per package or 2 grams maximum per
42 package shall be from saturated fat plus trans fat; and

43 c. 1-3 ounces of food per package with not more than 35 per-
44 cent of its weight from sugars, excluding sugars occurring natu-
45 rally in fruits, vegetables, and dairy ingredients.

46 (c) Food items not prepackaged with nutritional information by
47 the distributor shall be required to have nutritional information
48 (calories, percentage of calories from fat, percentage of calories
49 from saturated fat, cholesterol, protein, carbohydrate, fiber, cal-
50 cium, iron, vitamin A and vitamin C) available to students, either
51 on a display case, in a binder or within information packets held
52 by food service staff for requests by students. This requirement
53 shall take effect by the second school year following 180 days of
54 the passage of this bill.

55 (d) The sale of all foods on school grounds, including, but not
56 limited to school stores, a-la carte lines in cafeterias, vending
57 machines, concession stands and fundraisers shall be approved for
58 compliance with the nutrition standards as established by the
59 Department of Education.

60 (f) Fruit and non-fried vegetables shall be offered for sale at
61 any location where food is sold with the exception of non-refriger-
62 ated vending machines and vending machines which dispense
63 only beverages.

64 (g) Elementary, middle and high schools may permit the sale of
65 food items that do not comply with Section 91(a)-(f) as part of a
66 school fundraising event if the sale of those items by pupils of the
67 school takes place off school premises; or the sale of those items
68 by pupils of the school takes place at least 30 minutes after the
69 end of the school day.

1 SECTION 2. Chapter 15 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting after
3 section IE, the following section:—

4 Section IE½. (a) The department of education shall annually
5 establish for all elementary, middle and high schools, as defined in
6 Section 90 of Chapter 71, a minimum of 1 school nurses per
7 school, trained in behavioral health and appropriate treatment and
8 resources for eating disorders; a minimum of 20 hours of profes-
9 sional development for school nurses and aid staff to gain the
10 most up-to-date knowledge on eating disorder treatment and iden-
11 tification; and a referral program where medical resources in the

12 community shall collaborate with schools to identify children in
13 need of services and provide these resources through in-school,
14 outpatient and inpatient settings, where appropriate.

15 (b) The department of education in consultation with the
16 department of mental health shall provide available mental health
17 resources for children, in-school and through outpatient programs
18 to treat obesity and other eating-related disorders such as anorexia
19 and bulimia.

1 SECTION 3. Chapter 19 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting after
3 section 11, the following section:—

4 Section 11½. The department of mental health shall establish a
5 committee to review the trend in reported cases of obesity and
6 eating disorders by the department of education to the department
7 of mental health. The committee established by the department of
8 mental health shall consist of officials from the department
9 appointed to represent and act as liaisons to school administra-
10 tions of certain towns and municipalities. Duties of the committee
11 shall include but not be limited to:

12 (a) Evaluating the trends of reported cases of obesity and eating
13 disorders across the Commonwealth and the progress of treatment
14 and recovery as reported by the department of education;

15 (b) Studying the access to quality health care and whether
16 students are receiving appropriate and adequate care in the
17 treatment of their obesity or eating disorder;

18 (c) Formulating a plan of action for the Commonwealth to
19 ensure sufficient reimbursement from Medicaid, private health
20 plans and HMOs for the appropriate and adequate treatment of
21 obesity and eating disorders for children in Massachusetts.

1 SECTION 4. The department of public health shall establish an
2 annual public service campaign to raise awareness on the issue of
3 pediatric overweight, and the state's initiative to reduce the epi-
4 demic through available resources and support programs. The
5 campaign shall include, but not be limited to:

6 (a) Public service announcements regarding physical activity,
7 nutrition and healthy lifestyles.

8 (b) Reducing the number of television viewing hours by chil-
9 dren.

10 (c) Increasing state and local initiatives for free-time physical
11 activity for children.

12 (d) Reducing potential transportation barriers to available free-
13 time physical activities in the community.

14 (e) Increasing community areas of green space and indoor facil-
15 ities for out of school and free-time physical activities as well as
16 addressing concerns about neighborhood safety.

17 (f) Distributing a kit of information to schools including
18 brochures and tapes on pediatric overweight.

19 (g) Creating an interactive website with information and
20 resources on pediatric overweight.

1 SECTION 5. There is hereby established a special commission
2 to conduct an analysis of childhood obesity, nutrition, physical
3 activity and education, and wellness in the commonwealth. Said
4 commission shall consist of: the Commissioner of Public Health,
5 or his designee; the Commissioner of Medical Assistance, or his
6 designee; one representative and one senator from the Joint Com-
7 mittee on Health Care; one person to be appointed by the Gov-
8 ernor, one person to be appointed by the Speaker of the House and
9 one person to be appointed by the Senate President; a board certi-
10 fied dietician or nutritionist; a board certified pediatrician from
11 the American Academy of Pediatrics; a representative from the
12 Board of Psychology; a representative from the Massachusetts
13 Public Health Association; a representative from the Massachu-
14 setts School Nurse Organization; and one person appointed by the
15 Commissioner of the Department of Education. Said commission
16 shall evaluate the state of childhood obesity in Massachusetts,
17 including but not limited to physical education programs, school
18 lunches, school snack and soda vending machines, after school
19 program and national standards.

20 Said commission shall report its findings, and file any draft leg-
21 islation with the clerks of the House of Representatives and the
22 Senate, the joint committee on health care and the house and
23 senate committees on ways and means not later than 180 days
24 after the passage of this act. Thereafter, the Department of Public
25 Health shall conduct, every two years, analyses to evaluate child-

26 hood obesity in Massachusetts. DPH shall report their findings to
27 the Committee on Health Care sixty days after the conclusion of
28 the review.

29 This Act shall take effect on the first full school year
30 following 180 days of its passage.